APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,073	10/26/2000	Martin John Ellis	36-1372	1461

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EXAMINER
EL HADY, NABIL M

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/674,073	ELLIS ET AL.
	Examiner	Art Unit	
	Nabil M El-Hady	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 November 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>20-61</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>20-61</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible

for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has

been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 11/8/2004 has been entered.

2.   Claims 20-50 are presented for examination.

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4.   Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

        Claim 40 recites the limitation " The method" in line 1   There is insufficient antecedent

basis for this limitation in the claim.

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section
122(b), by another filed in the United States before the invention by the applicant for
patent or (2) a patent granted on an application for patent by another filed in the United

States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 20-26, 30, 31, 40-42, 48, 49, 51, 53, 57-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Yates et al. (US 6,330,586) (hereinafter Yates).

7.   As per claims 20, 51, and 53, Yates teaches a communications system comprising a plurality of client side and server side computing elements, each computing element supported by a distributed processing environment whereby distributed software objects in different physical parts of the system interact by passing messages via data communications links, the communications system including service generic code and service specific code, which is distributed between said plurality of computing elements during a service session, wherein the service generic code supports a plurality of differing types of service during a service session, said service generic code when in use comprising: a session manager which performs functions generic to said plurality of differing types of service during service sessions (e.g. col. 11, lines 49-55); wherein for each type of said differing types of service, said session manager is arranged during a service session in which a plurality of participants participate, to generate event messages, each event message indicating at least one discrete change which has just occurred in the session-related status of an individual user of the session without any historical data, and to transmit said event messages to an event handler for processing (e.g. col. 11, lines 38-45).

8.   As per claim 40, it is rejected for similar reasons as stated above.

9.   As per claim 58, it is rejected for similar reasons as stated above.

10.   As per claim 59, it is rejected for similar reasons as stated above.

11.   As per claim 41, it is rejected for similar reasons as stated above.

12.   As per claim 42, it is rejected for similar reasons as stated above.

13.   As per claim 48, it is rejected for similar reasons as stated above.

14.   As per claim 49, it is rejected for similar reasons as stated above.

15.   As per claim 60, it is rejected for similar reasons as stated above.

16.   As per claim 57, it is rejected for similar reasons as stated above.

17.   As per claim 21, Yates teaches the communications system wherein the computing elements include: a retailer server (e.g. Figure 1); a plurality of third party servers, each third party server being arranged to have access to a data base for the storage and retrieval of service related data (e.g. Figure 1); and a plurality of user terminals connected to the retailer server via a data communications network (e.g. Figure 1).

18.   As per claim 22, Yates teaches the communications system wherein the third party

servers are connected remotely to the retailer server via communications links (e.g. Figure 11).

19.   As per claim 23, Yates teaches the communications system wherein the third party

servers are co-located with the retailer server (e.g. Figure 1).

20.   As per claim 24, Yates teaches the communications system wherein the retailer server

comprises one or more servers interconnected in a network (e.g. Figure 1).

21.   As per claim 25, Yates teaches the communications system wherein at least one of said

plurality of third party servers comprises a plurality of servers interconnected in a network (e.g.

Figure 1).

22.   As per claim 26, Yates teaches the communications system wherein at least one of the

user terminals comprises a mobile communications terminal (e.g. col. 3, lines 24-35).

23.   As per claim 30, Yates teaches the communications system wherein said event handler

comprises a cost data processor for costing a service provided by a third party during a service

session (e.g. col. 16, lines 28-35).

24.   As per claim 46, it is rejected for similar reasons as stated above

25.   As per claim 31, Yates teaches the communications system wherein said event handler

comprises an event message multiplier for copying said event messages and distributing said

copied messages to a plurality of event processors (e.g. col. 9, lines 1-15).

26.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign
> country or in public use or on sale in this country, more than one year prior to the date of
> application for patent in the United States.

27.   Claims 32-39 , 50, 55, 56, and 61 are rejected under 35 U.S.C. 102(b) as being

anticipated by "TINA Consortium - Network Resource Architecture Version 3.0 February

10,1997" (hereinafter TINA).

28.   As per claim 32, TINA teaches a session pricing manager apparatus arranged to

perform a charging algorithm for a service session in a communications network, the session

pricing manager apparatus being arranged to receive a plurality of event messages originating

from the service session, the event messages being arranged to inform a service session

manager of a predetermined set of session-related events, each event indicating at least one

discrete change in the session related status of an individual participant in a session without any

historical data, the session pricing manager apparatus comprising: means to filter events to

discard events which are not, for the service in question, determinative of price (e.g. page 7-

174, Figure 7-19); and means to copy each filtered event to a plurality of pricing engines to be

logically combined in accordance with a defined charging algorithm to produce calculated price

data for each participation in the session to allow a charge to be debited from an account of a

responsible party for the participation (e.g. page 7-138, Figure 7-1 and page 7-140, Figure 7-2).

29.   As per claim 33, TINA teaches the session pricing manager apparatus wherein the

actions, or changes in status, of at least one other participation within the service session is

taken into account in the operation of the charging algorithm of the participation in question (e.g.

page 7-140, paragraphs 1-4).

30.   As per claim 39, Tina teaches the apparatus wherein the charges indicated for said other

participants are dependent only on charges in status of the respective participants for which the

billing records are produced (e.g. page 7-147, section 7.4.3).

31.   As per claim 34, it is rejected for similar reasons as stated above.

32.   As per claim 35, it is rejected for similar reasons as stated above.

33.   As per claim 36, it is rejected for similar reasons as stated above.

34.   As per claim 37, it is rejected for similar reasons as stated above.

35.   As per claim 38, it is rejected for similar reasons as stated above.

36.   As per claim 50, it is rejected for similar reasons as stated above.

37.   As per claim 55, it is rejected for similar reasons as stated above.

38.   As per claim 56, it is rejected for similar reasons as stated above.

39.   As per claim 61, it is rejected for similar reasons as stated above.

40.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

41.   Claim 27, 28, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yates in view of Lynch-Aird (US 6,240,402).

42.   As per claim 27, Yates does not specifically teach the communications system wherein

said event handler comprises a pricing data processor for pricing a participant's usage of a

service during a service session. Lynch-Aird teaches the communications system wherein said

event handler comprises a pricing data processor for pricing a participant's usage of a service

during a service session (e.g. col. 1, lines 23-34). It would have been obvious to one of ordinary

skill in the art at the time the invention was made to combine Yates with Lynch-Aird. The

motivation would have been to provide a charging mechanism.

43.   As per claim 43, it is rejected for similar reasons as stated above.

44.   As per claim 28, Yates does not specifically teach the communications system wherein said pricing data processor is arranged to perform service-specific processing of said event messages. Lynch-Aird teaches the communications system wherein said pricing data processor is arranged to perform service-specific processing of said event messages (e.g. col. 2, lines 44-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yates with Lynch-Aird. The motivation would have been to provide a charging mechanism.

45.   As per claim 44, it is rejected for similar reasons as stated above.

46.   Claims 29 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yates in view of Ginzboorg et al. (US 6,047,051) (hereinafter Ginzboorg)

47.   As per claim 29, Yates does not specifically teach the communications system wherein said event handler comprises a service usage monitor for storing and/or analyzing usage of said services over statistically significant numbers of service sessions. Ginzboorg teaches the communications system wherein said event handler comprises a service usage monitor for storing and/or analyzing usage of said services over statistically significant numbers of service sessions (e.g. col. 1, lines 23-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Yates with Ginzboorg. The motivation would have been to provide for a billing system.

48.   As per claim 45, it is rejected for similar reasons as stated above.

49.   Claims 47, 52, and 54, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yates in view of TINA.

50.   As per claims 47, 52, and 54, Yates does not specifically teach the event handler

apparatus wherein the processor means comprises a session pricing manager arranged to

operate a charging algorithm for a service session in a communications network, the session

pricing manager being arranged to receive the plurality of event messages originating from the

service session, the event messages being arranged to inform the service session manager of a

predetermined set of session-related events, the session pricing manager comprising: means to

filter received events to discard events which are not, for the service in question, determinative

of price; means to copy each filtered event to a plurality of pricing engines to be logically

combined in accordance with a defined charging algorithm to produce calculated price data for

each participation in the session to allow a charge to be debited from an account of a

responsible party for the participation, wherein the actions, or changes in status, of at least one

other participation within the service session is taken into account in the operation of the

charging algorithm of the participation in question.

51.   TINA teaches the event handler apparatus wherein the processor means comprises a

session pricing manager arranged to operate a charging algorithm for a service session in a

communications network, the session pricing manager being arranged to receive the plurality of

event messages originating from the service session, the event messages being arranged to

inform the service session manager of a predetermined set of session-related events, the

session pricing manager comprising: means to filter received events to discard events which are

not, for the service in question, determinative of price (e.g. page 7-174, Figure 7-19); means to

copy each filtered event to a plurality of pricing engines to be logically combined in accordance

with a defined charging algorithm to produce calculated price data for each participation in the

session to allow a charge to be debited from an account of a responsible party for the

participation, wherein the actions, or changes in status, of at least one other participation within

the service session is taken into account in the operation of the charging algorithm of the

participation in question (e.g. page 7-138, Figure 7-1 and page 7-140, Figure 7-2). It would have

been obvious to one of ordinary skill in the art at the time the invention was made to combine

Yates with TINA. The motivation would have been to provide for message filtering and pricing.

52.   Applicant's arguments filed 11/8/2004 have been fully considered but they are not

persuasive. Therefore the rejection of claims 20-50 is maintained.

53.   In the remarks, applicants argued in substance that (1), Yates fails to teach or suggest

logically uncombined events; (2), Yates fails to contemplate a gaming environment as explained

in page 23 lines 1-12 in the specification); (3), TINA fails to teach or suggest logically

uncombined events; and (4), none of Lynch-Aired, and Ginzboorg remedy the deficiencies in

Yates. Examiner respectfully traverses applicants' remarks.

54.   As to point (1), (3), and (4), Examiner asserts that an event message as disclosed by

applicant in pages 18-19 of the specification contains: a session ID, the name of the service (or

an identifier) being supplied during the session, a category of the event, the event type (start,

stop, joined), a data/time stamp, a participant ID, the user name, the identity of the party to be

billed. This Clearly shows that an event of the type start is associated with a date/time stamp,

and another event with the type stop is associated with a date/time stamp. Each of these event

messages constitutes a logical uncombined event. These event messages are the same event messages discloses by Yates and TINA.

55.   As to point (2) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a gaming environment as explained in page 23 lines 1-12 in the specification) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
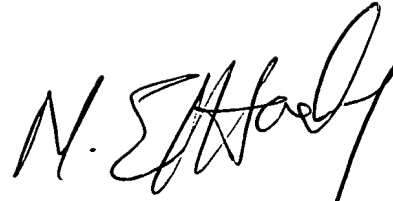
56.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 9, 2005

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
Art Unit 2154